

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DANIEL W. VLACH, Owner, LGM
Services LLC, and AMY N. MARRS,
Owner, LGM Services LLC,,

Petitioners,

vs.

UNITED STATES,

Respondent.

8:19-CV-198

ORDER

This matter is before the Court on the Magistrate Judge's Findings and Recommendation ([filing 18](#)) that this case be dismissed for want of prosecution. The petitioners have not objected to the findings and recommendation, and the time for doing so has elapsed. *See* [NECivR 72.2\(a\)](#); *see also* [Fed. R. Civ. P. 6\(d\)](#). The findings and recommendation expressly advised that "failing to file an objection to this recommendation as provided in the local rules of this court may be held to be a waiver of any right to appeal the court's adoption of the recommendation." [Filing 18 at 2](#); *see Williams v. Wells Fargo Bank, N.A.*, 901 F.3d 1036, 1042 (8th Cir. 2018).

[Title 28 U.S.C. § 636\(b\)\(1\)](#) provides for de novo review of a Magistrate Judge's findings or recommendations only when a party objects to them. *Peretz v. United States*, 501 U.S. 923 (1991). Failure to object to a finding of fact in a Magistrate Judge's recommendation may be construed as waiving the right to object to the Court's order adopting the recommendation of the finding of fact. [NECivR 72.2\(f\)](#). And the failure to file an objection eliminates not only the need for de novo review, but any review by the Court. *Thomas v. Arn*, 474 U.S. 140

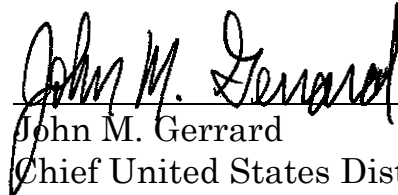
(1985); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009); *see also United States v. Meyer*, 439 F.3d 855, 858-59 (8th Cir. 2006). Accordingly,

IT IS ORDERED:

1. The Magistrate Judge's Findings and Recommendation (filing 18) are adopted.
2. This case is dismissed.
3. A separate judgment will be entered.

Dated this 24th day of September, 2019.

BY THE COURT:



John M. Gerrard
Chief United States District Judge